United Nations A/C.3/55/L.41

General Assembly

Distr.: Limited
2 November 2000

Original: English

Fifty-fifth session
Third Committee
Agenda item 114 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Andorra, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Monaco, New Zealand, Netherlands, Norway, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: draft resolution

Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Recalling, article 18 of the Universal Declaration of Human Rights,[1] and article 18 of the International Covenant on Civil and Political Rights,[2]

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.

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Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the United Nations Millennium Declaration,[3] in particular its paragraph 4,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others, and in public or private,

Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[4]

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights on religious intolerance to enable him to carry out his mandate fully,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,[5]

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. *Reaffirms* that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. *Urges* States to ensure that their constitutional and legal systems provide effective guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

3. *Also urges* States to ensure, in particular, that no one within their jurisdiction is, because of his or her religion or belief, deprived of the right to life or the right to liberty and security of person, or subjected to torture or arbitrary arrest or detention;

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[3] Resolution 55/2.

[4] A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

[5] E/CN.4/1994/79, para. 103.

4. *Further urges* States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if those limitations that are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

6. *Urges* States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

7. *Calls upon* all States to recognize, as provided for in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

8. *Expresses its grave concern* at any attack upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert the utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

9. *Recognizes* that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief, and that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration;

10. *Takes note with appreciation* the interim report of the Special Rapporteur of the Commission on Human Rights on religious intolerance,[6] and encourages the continued efforts on the part of the Special Rapporteur, who was appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

11. *Welcomes* the decision of the Commission on Human Rights in resolution 2000/33 of 20 April 2000[7] to change the title of the Special Rapporteur from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief;

12. *Takes note* of the study presented by the Special Rapporteur to the meeting of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in May, and encourages the Special Rapporteur to continue to contribute to the preparations for the

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[6] A/55/280 and Add.1 and 2.

[7] *Official Records of the Economic and Social Council, 2000, Supplement No. 23* (E/2000/23), chap. II., sect. A.

Conference, which is to be held in Durban, South Africa, in 2001, on matters relating to religious intolerance that have a bearing on the World Conference;

13. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

14. *Welcomes* the initiatives of Governments and non-governmental organizations to collaborate with the Special Rapporteur, including through the convening of an international consultative conference on school education in relation to freedom of religion or belief, to be held in Madrid in November 2001, and encourages Governments, non-governmental organizations and other interested parties to participate actively in that conference;

15. *Also encourages* Governments, when seeking the assistance of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience and religion;

16. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation and dissemination of the Declaration, and also encourages their work in relation to promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

17. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

18. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session;

19. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable him to fully discharge his mandate;

20. *Decides* to consider the question of the elimination of all forms of religious intolerance at its fifty-sixth session under the item entitled "Human rights questions".